

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOHN PHILLIP HIGLEY,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-22-766-D
)	
KAMERON HARVONEK,)	
)	
Respondent.)	

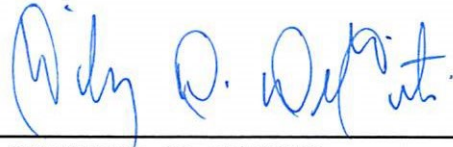
ORDER

Upon review of the file and noting no timely objection to the findings and recommendations of United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1), the Court adopts the Supplemental Report and Recommendation [Doc. No. 24] in its entirety. For the reasons stated therein, the Court finds that Respondent’s Motion to Dismiss [Doc. No. 18] should be **GRANTED**. Petitioner John Phillip Higley’s Petition for Writ of Habeas Corpus [Doc. No. 1] is hereby **DISMISSED WITH PREJUDICE**. A separate judgment of dismissal shall be entered.

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (“COA”) when it enters a final order adverse to a petitioner. A COA may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller El v.*

Cockrell, 537 U.S. 322, 327 (2003). Upon consideration, the Court finds the requisite standard is not met in this case. Therefore, a COA is denied.

IT IS SO ORDERED this 15th day of June, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge